

of this State to prevent the violation of local option laws, and the fact that this session of the Legislature will end by law in a few days, create an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

#### SEVENTEENTH DAY.

Senate Chamber,  
Austin, Texas,  
Tuesday, August 16, 1910.

Senate met pursuant to adjournment. Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Kauffman. Veale.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Kellie, the same was dispensed with.

(See Appendix for committee reports.)

#### EXCUSED.

On account of important business:

Senator Veale for yesterday, today and tomorrow, on motion of Senator Sturgeon.

#### SIMPLE RESOLUTION.

By Senator Cofer:

Whereas, House bill No. 15, known as the day light bill, and which provides

for the closing of saloons from 7 o'clock p. m. to 7 o'clock a. m., passed the House of Representatives by almost a two-thirds vote and was read in the Senate and referred to Judiciary Committee No. 2; and

Whereas, Said Judiciary Committee No. 2 has refused to consider said House bill but has postponed consideration of same until 11:59 a. m. August 18, 1910, a time beyond adjournment of the present session of the Legislature; and

Whereas, Such action of said committee is tantamount to a refusal to permit the Senate to act upon said House bill and can have no other meaning but that these Senators and those standing with them on anti-saloon legislation are opposed to the day light bill and favor saloons remaining open at night; and

Whereas, It is nothing but fair and just to the other branch of the Legislature to have its bill on so important a subject reported out to the Senate for our respectful consideration and hearing and this bill should not be smothered to death in committee, especially as those taking this unseemingly action pretend to favor the night closing law; therefore, be it

Resolved by the Senate, That Judiciary Committee No. 2 be directed to forthwith report said House bill to the Senate by 12 o'clock m. August 16, 1910, so that the Senators of the Texas Senate may go upon record as favoring or opposing the night closing of saloons.

COFER,  
STURGEON,  
TERRELL of Wise,  
BRACHFIELD,  
TERRELL of Bowie,  
BRYAN,  
MAYFIELD,  
HOLSEY,  
RATLIFF,  
WARD,  
ALEXANDER,  
PERKINS,  
GREER.

The resolution was read and Senator Cofer moved the adoption of same, and upon that motion moved the previous question. The previous question being duly seconded was so ordered.

The motion to adopt the resolution was lost by the following vote:

Yeas—13.

Alexander.	Greer.
Brachfield.	Holsey.
Bryan.	Mayfield.
Cofer.	Perkins.

Ratliff.  
Sturgeon.  
Terrell of Bowie.

Terrell of Wise.  
Ward.

Nays—15.

Adams.	Paulus.
Harper.	Peeler.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	

PAIRED.

Senator Willacy (present), who would vote "nay," with Senator Veale (absent), who would vote "yea."

Morning call concluded.

#### HOUSE BILL NO. 7.

The Chair laid before the Senate on second reading and pending business,

House bill No. 7, A bill to be entitled "An Act providing conditions upon which insurance companies writing contracts or policies of insurance against the hazard of fire may transact business in the State of Texas, and providing for the making, promulgation, regulation and control of schedules, rates and premiums and forms of policies; and to prevent discrimination therein, and to create a State Insurance Board, and prescribing the duties and authority of said board, and each member thereof; to appropriate money therefor, and to provide penalties for violation of this act, and repealing Chapter 18 of the General Laws of the State of Texas, passed by the First Called Session of the Thirty-first Legislature and all other laws and parts of laws in conflict therewith, and declaring an emergency."

There being an amendment and a substitute for the amendment pending, Senator Bryan withdrew the amendment and the substitute became the amendment.

Here Senator Holsey moved to take up House Concurrent Resolution No. 1, which was on the table subject to call.

(President Pro Tem. Alexander was called to the chair.)

Senator Watson moved to table the motion to take up House Concurrent Resolution No. 1.

Senator Holsey desired to speak to the motion and Senator Watson made a point of order that a motion to table was not debatable, and President Pro Tem. Alexander sustained the point of order.

Senator Holsey then desired to speak

to a question of personal privilege, and the Chair (President Pro Tem Alexander) held that Senator Holsey would have a right to the floor after the vote on the motion to table had been taken.

Senator Terrell of Wise made a point of order that the resolution being on the table subject to call did not require a motion to call it up, but could be called up without a motion. The Chair stating that Senator Holsey had a right to make the motion he did if he so desired.

Action recurred on the motion to table the motion to take up House Concurrent Resolution No. 1, and the motion to table prevailed by the following vote:

Yeas—19.

Adams.	Peeler.
Alexander.	Perkins.
Harper.	Ratliff.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Nays—10.

Brachfield.	Mayfield.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of Wise.
Holsey.	Ward.

Absent—Excused.

Veale.

Senator Holsey then called up House Concurrent Resolution No. 1, which was on the table subject to call.

Senator Watson made the point of order that the matter of taking up House Concurrent Resolution No. 1 had just been voted on, and rejected, and could not be under the rules of the Senate, considered again on this day, quoting Rule 42 of the Rules of the Senate.

The Chair (President Pro Tem. Alexander) held that the vote by which the motion to take up the resolution having been tabled, would preclude further action on same for today, therefore sustaining the point of order.

#### HOUSE BILL NO. 7.

Action recurred on the pending business, the question being on the amendment by Senator Hudspeth (see Journal of yesterday for amendment).

Senator Meachum moved the previous question on the amendment and Section

7 of the bill, which motion being duly seconded, and was so ordered.

The amendment by Senator Hudspeth was adopted by the following vote:

**Yeas—19.**

Adams.	Peeler.
Bryan.	Perkins.
Holsey.	Real.
Hudspeth.	Senter.
Hume.	Terrell of Bowie.
Kauffman.	Ward.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

**Nays—10.**

Alexander.	Mayfield.
Brachfield.	Ratliff.
Cofer.	Sturgeon.
Greer.	Terrell of McLennan.
Harper.	Terrell of Wise.

**Absent—Excused.**

Veale.

Consideration of Section 7 was passed.

Senator Hudspeth moved to rescind the action of the Senate on yesterday by which a motion was adopted to consider the bill by sections, and that the bill be considered as a whole.

The motion prevailed.

Here Senator Holsey arose to a question of personal privilege. Pending the discussion several points of order were made, contending that the Senator should confine himself to a question of personal privilege, etc.

**FIRST HOUSE MESSAGE.**

Hall of the House of Representatives,  
Austin, Texas, August 16, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House bill No. 23, A bill to be entitled "An Act to prevent the drinking of intoxicating liquors on premises owned, controlled or occupied by clubs, lodges or other associations of persons in counties, subdivisions of counties, cities and towns where the sale of intoxicating liquor has been or where the same may hereafter be legally prohibited under the laws of this State, and declaring an emergency."

House bill No. 9, A bill to be entitled

"An Act defining bills of lading and defining the word 'carrier' as these words are used in this act; providing that it shall be the duty of carriers, their officers and agents to issue negotiable bills of lading or straight or non-negotiable bills of lading, at the request of the shipper, between certain places prescribed in the act, and defining negotiable or order bills of lading, and non-negotiable or straight bills of lading, and prescribing certain requirements for all bills of lading; making all negotiable bills of lading negotiable by endorsement and delivery in the same manner as bills of exchange or promissory notes, and prohibiting the placing upon negotiable bills of lading any terms which would, in any manner, limit their negotiability; providing for the division of all bills of lading into three series and defining each series; prescribing how bills of lading shall be issued and prohibiting the issuance of negotiable bills of lading in parts or sets, except as prescribed in the terms of this act; providing that all carriers shall keep posted up in certain places a written instrument authorizing their agents to sign bills of lading; prescribing the duties of carriers and their liability for failure to take up and cancel negotiable bills of lading, when the goods or a part thereof have been delivered; prescribing that a court of competent jurisdiction may order goods delivered when negotiable bills of lading have been lost upon the giving of a bond by the holder of the lost bill of lading under certain conditions; prescribing certain duties of general freight agents, or persons authorized to act for them and certain duties of local station agents or carriers, and providing for the making and preservation of copies of all bills of lading, subject to the inspection of interested parties, and providing for the certification of all signatures to all bills of lading by the general freight agents of carriers, or persons authorized to act for them; prescribing that carriers shall maintain an authorized agents at all places recognized by the Federal government as ports of entry, whose duties shall be the same as those prescribed for general freight agents in this act; prescribing certain duties for ship agents, charters and owners of vessels; prescribing and defining the duties and liabilities of carriers with reference to the consignee named in a straight or non-negotiable bill of lading and to the holder of an order or negotiable bill of lading and providing that

the carrier shall be estopped to deny the receipt of goods described in a bill of lading, or vary the description thereof, as contained in the bill of lading, under certain conditions named in this act; providing that the carrier shall not be liable under the provisions of this act when the goods are taken from his custody and legal possession or sold to satisfy the carrier's lien, or sold under the provisions of the law; creating and defining certain criminal offenses for the violation of the provisions of this act, and prescribing penalties therefor; creating and defining certain criminal offenses with references to issuance or negotiation of bills of lading, and prescribing penalties therefor, and declaring an emergency."

Senate Joint Resolution No. 1, Ratifying the Sixteenth Amendment to the Constitution of the United States of America.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### BILLS READ AND REFERRED.

The Chair (President Pro Tem. Alexander) had referred, after their captions had been read, the following bills:

House bill No. 9, referred to Committee on Internal Improvements.

House bill No. 23, referred to Judiciary Committee No. 2.

#### HOUSE BILL NO. 7.

Action recurred on House bill No. 7.

Senator Ratliff offered the following amendment, which was read and adopted:

Amend Section 7, page 4, line 28, by striking out the word "to" after the word "agents," and by inserting the words "and said board" between the words "board" and "shall."

Senator Hudspeth offered the following amendment, which was read and adopted:

Amend the bill by adding at the end of Section 5, page 3, the following: "Provided further, that all 'key' rates heretofore proposed by insurance companies shall be prohibited by said Fire Rating Board."

HUDSPETH,  
PEELER.

(Lieutenant Governor Davidson in the chair.)

Senator Weinert offered the following amendment, which was read and adopted:

Amend the bill, page 2, Section 2, line 15, by striking out after the word "effect" the following: "for the term of one year and biennially thereafter," and insert in lieu thereof the following: "And shall hold their offices until February 1, 1911, and shall thereafter be appointed biennially."

WATSON,  
PEELER,  
MEACHUM,  
WEINERT,  
ADAMS.

Senator Murray offered the following amendment, which was read and adopted:

Amend the bill, page 9, Section 15, by striking out all of Section 15 after the word "declare" in line 20.

WATSON,  
MURRAY.

Senator Alexander offered the following amendment, which was read:

Amend the bill as substituted by striking out all of Section 13 after the word "profit" in line 18, page 8.

ALEXANDER,  
KAUFFMAN.

Senator Brachfield offered the following as a substitute for the above amendment:

Amend the bill by striking out all of Section 13 and inserting in lieu thereof the following:

"This act shall not apply to mutual fire insurance companies incorporated under the laws of this State nor to purely co-operative, inter-insurance and reciprocal exchanges carried on by the members thereof solely for the protection of their own property and not for profit.

"Provided, that no person, persons, firm or association of persons representing any mutual fire insurance company doing business on a joint liability plan shall be permitted to solicit, write or transact a fire insurance business in any city, town or county, except those places that are situated in the county in which it maintains its home office, and in which the said company is organized, except where the home office of said company has filed with the Department of Insurance a bond with two or more good and sufficient sureties in the sum of \$10,000, payable to the Governor and his successors in office, and

approved by the Commissioner of Insurance, conditioned that they will pay back to the holders of their policy the unearned premium and hold such holders or owners of said policy free from further liability on said policy.

"And it is further provided that any person, firm or association of persons guilty of violating any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than \$100 nor more than \$1000."

HUDSPETH,  
BRACHFIELD,  
STURGEON.

The substitute for the amendment was adopted.

The amendment, as substituted, was then adopted.

Senator Hume offered the following amendment:

Amend the bill by striking out the enacting clause.

The amendment was laid on the table subject to call.

Senator Harper offered the following amendment, which was read and adopted:

Amend the bill by striking out Section 14 and insert in lieu thereof the following:

"Section 14. Any provision in any policy of insurance issued stating that if at the time of the issuance of the policy the property is encumbered by a lien of any character or shall thereafter become encumbered by a lien of any character shall be unlawful and null and void, and insurance companies licensed to do business in this State shall be and they are hereby prohibited from inserting any such clause in any policy."

HARPER,  
MEACHUM.

Senator Terrell of Wise offered the following amendment, which was read and adopted:

Amend by adding after the word "Texas," page 5, line 1, the following: "Provided no policy shall be permitted by said board that repeals or in any way affects Article 3089 of the Revised Statutes."

Senator Harper offered the following amendment, which was read and adopted:

Amend the bill by inserting the following sections at the end of the bill:

"Section 16. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

"Section 17. Whenever there is no adequate law protecting the insuring public from grossly excessive charges, creates an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days and the said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted."

HARPER,  
WARD.

Senator Brachfield offered the following amendment, which was read and adopted:

Amend the caption by adding thereto the following: "And to make mutual fire insurance companies limit their business to the county in which their home office is situated, except where a bond is filed with the Department of Insurance, and declaring the violations of its provisions a misdemeanor, and providing a penalty."

HUDSPETH,  
BRACHFIELD.

Senator Sturgeon offered the following amendment, which was read and adopted:

Amend the bill in Section 8, at the end of said section by adding thereto the words, "relative to said premiums."

Senator Hume offered the following amendment:

Amend the bill by striking out the caption.

HUME,  
TERRELL of Wise,  
KELLIE.

On motion of Senator Terrell of Bowie the amendment was tabled.

Senator Harper offered the following amendment:

Amend the bill by striking out all of the caption below "A bill to be entitled" and insert the following: "An Act providing conditions, additional to those now imposed by law, upon which insurance companies issuing policies of fire, marine or fire and marine insurance on property in this State shall transact business in this State; to create a State Fire Rating Board, provide for their appointment and fix their powers and compensation; to authorize said board to pass such rules and regulations as are necessary to fix reasonable rates of premiums of fire insurance on property located in this State; to authorize said board to employ such clerical force and other assistance as may be necessary in

carrying on the business of the office of said board; providing an appropriation for the payment of the expense of such clerical force, and other necessary expenses and the salaries of said board; to authorize said companies to file rates of premiums and commissions to agents with said board and with the agents of said companies, and to keep open for public inspection all such schedules or rates of fire insurance; to authorize the revocation of the license of insurance companies to do business in this State for violation of the orders of said board; to require all persons having to give evidence with reference to the violation of said act, or the orders of said board, to provide for the time when this act shall go into effect and for the repeal of all laws in conflict herewith, and declaring an emergency."

HARPER,  
HUDSPETH.

Senator Meachum moved the previous question on the amendment and the engrossment of the bill, which motion being duly seconded, was so ordered.

The amendment by Senator Harper was adopted.

The bill was read second time and passed to a third reading by the following vote:

Yeas—21.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Ward.
Hudspeth.	Watson.
Mayfield.	Weinert.
Meachum.	

Nays—7.

Hume.	Real.
Kauffman.	Terrell of McLennan.
Kellie.	Terrell of Wise.
Murray.	

Absent.

Willacy.

Absent—Excused.

Veale.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Adams.	Brachfield.
Alexander.	Bryan.

Cofer.  
Greer.  
Harper.  
Holsey.  
Hudspeth.  
Hume.  
Kauffman.  
Kellie.  
Mayfield.  
Meachum.  
Murray.  
Paulus.  
Peeler.

Perkins.  
Ratliff.  
Real.  
Senter.  
Sturgeon.  
Terrell of Bowie.  
Terrell of McLennan.  
Terrell of Wise.  
Ward.  
Watson.  
Weinert.  
Willacy.

Absent—Excused.

Veale.

The bill was read third time and passed by the following vote:

Yeas—22.

Adams.  
Alexander.  
Brachfield.  
Bryan.  
Cofer.  
Greer.  
Harper.  
Holsey.  
Hudspeth.  
Mayfield.  
Meachum.

Paulus.  
Peeler.  
Perkins.  
Ratliff.  
Senter.  
Sturgeon.  
Terrell of Bowie.  
Ward.  
Watson.  
Weinert.  
Willacy.

Nays—7.

Hume.  
Kauffman.  
Kellie.  
Murray.

Real.  
Terrell of McLennan.  
Terrell of Wise.

Absent—Excused.

Veale.

Senator Terrell of Bowie moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 17.

The Chair laid before the Senate, as regular order,

Senate bill No. 17, A bill to be entitled "An Act to prevent the drinking of intoxicating liquors on premises owned, controlled or occupied by clubs, lodges or other associations of persons in counties, subdivisions of counties, cities and towns where the sale of intoxicating liquors has been or where same may hereafter be legally prohibited under the laws of this State, and declaring an emergency."

The question being on the engrossment of the bill.

Senator Terrell of Bowie moved the

previous question on the engrossment of the bill, which motion being duly seconded and was so ordered by the following vote:

Yeas—15.

Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of McLennan.
Harper.	Terrell of Wise.
Holsey.	Ward.
Mayfield.	

Nays—13.

Adams.	Paulus.
Hudspeth.	Peeler.
Hume.	Real.
Kauffman.	Senter.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	

PAIRED.

Senator Willacy (present), who would vote "nay," with Senator Veale (absent), who would vote "yea."

The bill was read second time and ordered engrossed by the following vote:

Yeas—15.

Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of McLennan.
Harper.	Terrell of Wise.
Holsey.	Ward.
Mayfield.	

Nays—13.

Adams.	Paulus.
Hudspeth.	Peeler.
Hume.	Real.
Kauffman.	Senter.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	

PAIRED.

Senator Willacy (present), who would vote "nay," with Senator Veale (absent), who would vote "yea."

Senator Cofer moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill put on its third reading and final passage.

The motion was lost by the following vote:

Yeas—15.

Alexander.	Bryan.
Brachfield.	Cofer.

Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Mayfield.	Terrell of Wise.
Perkins.	Ward.
Ratliff.	

Nays—13.

Adams.	Paulus.
Hudspeth.	Peeler.
Hume.	Real.
Kauffman.	Senter.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	

PAIRED.

Senator Willacy (present), who would vote "nay," with Senator Veale (absent), who would vote "yea."

#### REFUSED TO SUSPEND PENDING BUSINESS.

Senator Terrell of Bowie moved that the pending order of business (Senate bill No. 5) be suspended and the Senate take up, out of its order, Senate bill No. 14.

Senator Hudspeth moved as a substitute that the pending order of business (Senate bill No. 5) be suspended and the Senate take up, out of its order, Senate bill No. 9.

Action recurred on the substitute motion first, and the same prevailed by the following vote:

Yeas—15.

Adams.	Paulus.
Harper.	Peeler.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	

Nays—13.

Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of Wise.
Holsey.	Ward.
Mayfield.	

Absent.

Willacy.

Absent—Excused.

Veale.

Action then recurred on the motion, as substituted, and the same was lost by the following vote, a two-thirds vote being necessary:

## Yeas—16.

Adams.	Murray.
Alexander.	Paulus.
Harper.	Peeler.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Kellie.	Watson.
Meachum.	Weinert.

## Nays—12.

Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Holsey.	Terrell of Wise.
Mayfield.	Ward.

## Absent.

Willacy.

## Absent—Excused.

Veale.

## SIMPLE RESOLUTION.

By Senator Cofer:

Resolved, That the Governor be and is hereby requested to return Senate bill No. 21 for correction.

The resolution was read and adopted.

## RECESS.

Senator Meachum moved that the Senate recess until 2:30 o'clock today.

Senator Terrell of Bowie moved, as a substitute, that the Senate adjourn until 2:30 o'clock today.

Action recurred on the substitute motion first, and the same was lost by the following vote:

## Yeas—14.

Alexander.	Mayfield.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of Wise.
Holsey.	Ward.

## Nays—15.

Adams.	Peeler.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

## Absent—Excused.

Veale.

The motion to recess until 2:30 o'clock today then prevailed by the following vote:

## Yeas—16.

Adams.	Paulus.
Harper.	Peeler.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Terrell of McLennan.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

## Nays—13.

Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of Wise.
Holsey.	Ward.
Mayfield.	

## Absent—Excused.

Veale.

## AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

## HOUSE BILL NO. 44.

On motion of Senator Greer, the pending order of business (Senate bill No. 5) was suspended, and the Senate took up, out of its order, House bill No. 44 by the following vote:

## Yeas—21.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Senter.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of Wise.
Holsey.	Ward.
Kauffman.	Watson.
Mayfield.	Weinert.
Meachum.	

## Absent.

Hudspeth.	Paulus.
Hume.	Real.
Kellie.	Terrell of McLennan.
Murray.	Willacy.

## Absent—Excused.

Veale.



The Chair laid before the Senate, on second reading.

House bill No. 44, A bill to be entitled "An Act to amend Sections 6 and 7 of Chapter 69 of the Local and Special Laws of the Thirtieth Legislature, being entitled 'An Act to amend the Special Road Law of Van Zandt county, Texas,' as enacted by the Twenty-eighth Legislature, and sent to the Governor for approval on the 18th day of March, 1903, and to authorize and empower the commissioners court of said county to issue bonds for the permanent improvement of the public roads of said county, and declaring an emergency."

On motion of Senator Greer, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Senter.
Holsey.	Sturgeon.
Hume.	Terrell of Bowie.
Kauffman.	Terrell of Wise.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Hudspeth. Willacy.  
Terrell of McLennan.

Absent—Excused.

Veale.

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Kellie.
Alexander.	Mayfield.
Brachfield.	Meachum.
Bryan.	Murray.
Cofer.	Paulus.
Greer.	Peeler.
Harper.	Perkins.
Holsey.	Ratliff.
Hume.	Real.
Kauffman.	Sturgeon.

Terrell of Wise.  
Ward.

Watson.  
Weinert.

Absent.

Hudspeth.  
Senter.

Terrell of McLennan.  
Willacy.

Terrell of Bowie.

Absent—Excused.

Veale.

Senator Greer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 29.

On motion of Senator Peeler, the pending order of business (Senate bill No. 5) was suspended, and the Senate took up, out of its order, House bill No. 2 by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Harper.	Senter.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	

Absent.

Greer. Willacy.

Absent—Excused.

Veale.

The Chair laid before the Senate, on third reading,

House bill No. 29, A bill to be entitled "An Act to amend an act 'entitled 'An Act granting Palestine, Anderson county, Texas, a new charter of incorporation, repealing all laws and parts of laws in conflict therewith, and declaring an emergency,' passed by the Thirty-first Legislature and approved March 19, 1909; said act to be amended by adding after Article 13 of the same Article 13a, restricting the location or maintenance of any places where spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication are sold at retail, to certain streets in said city."

The bill was read third time and passed.

### SENATE CONCURRENT RESOLUTION NO. 5.

Senator Sturgeon here offered the following resolution:

Senate Concurrent Resolution No. 5:

Resolved by the Senate, That the Governor be requested to return Senate bill No. 21, the House concurring therein, for correction.

The resolution was read and adopted.

### HOUSE BILL NO. 37.

The Chair laid before the Senate, on second reading,

Senate bill No. 5, A bill to be entitled "An Act providing conditions, additional to those now imposed by law, upon which insurance companies issuing policies of fire, marine, or fire and marine insurance on property in this State shall transact business in this State; to create a State Fire Rating Board, provide for their appointment and fix their powers and compensation; to authorize said board to pass such rules and regulations as are necessary to fix reasonable rates of premiums of fire insurance on property located in this State; to authorize said board to employ such clerical force and other assistance as may be necessary in carrying on the business of the office of said board; providing an appropriation for the payment of the expense of such clerical force, and other necessary expenses and the salaries of said board; to authorize said companies to file rates of premiums and commissions to agents with said board and with the agents of said companies, and to keep open for public inspection all such schedules or rates of fire insurance; to authorize the revocation of the license of insurance companies to do business in this State for violation of the orders of said board; to require all persons having to give evidence with reference to the violation of said act, or the orders of said board, to provide for the time when this act shall go into effect and for the repeal of all laws in conflict herewith, and declaring an emergency."

On motion of Senator Meachum, the pending order of business (Senate bill No. 5) was suspended and the Senate took up, out of its order, House bill No. 37 by the following vote:

Yeas—27.

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Paulus.

Willacy.

Absent—Excused.

Veale.

The Chair laid before the Senate, on second reading,

House bill No. 37, A bill to be entitled "An Act to amend Article 359, Chapter 4, Title 10 of the Penal Code of the State of Texas, as amended by Chapter 132 of the Acts of the Thirtieth Legislature, defining what constitutes a disorderly house so as to include any house located in any county, justice precinct or other subdivision of a county where the sale of intoxicating liquor has been legally prohibited in which such non-intoxicating malt liquors are sold or kept for the purpose of sale as require the seller thereof to obtain United States revenue license as a retail malt liquor dealer, or any house where the owner, proprietor or lessee thereof has posted United States internal revenue license as a retail liquor dealer or as retail malt liquor dealer."

### SECOND HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 16, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House refused to concur in Senate amendments to House bill No. 7 and request the appointment of a Free Conference Committee. The following have been appointed on part of the House: Messrs. Baker of Hood, Terrell of Bexar, Caves, Gilmore and Crawford.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

FREE CONFERENCE COMMITTEE  
ON HOUSE BILL NO. 7.

Senator Brachfield moved that the Senate grant the request of the House for a Free Conference Committee.

The motion prevailed, and the Chair appointed the following as the committee: Senators Hudspeth, Alexander, Brachfield, Weinert and Terrell of Bowie.

## HOUSE BILL NO. 37.

Action recurred on House bill No. 37.

On motion of Senator Meachum, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to third reading.

On motion of Senator Meachum, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—26.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Holsey.	Sturgeon.
Hume.	Terrell of Bowie.
Kauffman.	Terrell of McLennan.
Kellie.	Terrell of Wise.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.

## Absent.

Harper.	Willacy.
Hudspeth.	

## Absent—Excused.

Veale.

The bill was read third time and passed by the following vote:

## Yeas—27.

Adams.	Mayfield.
Alexander.	Meachum.
Brachfield.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Greer.	Perkins.
Harper.	Ratliff.
Holsey.	Real.
Hume.	Senter.
Kauffman.	Sturgeon.
Kellie.	Terrell of Bowie.

Terrell of McLennan.	Watson.
Terrell of Wise.	Weinert.
Ward.	

## Absent.

Hudspeth.	Willacy.
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## Absent—Excused.

Veale.

Senator Meachum moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 33.

Senator Kauffman moved that the pending order of business (Senate bill No. 5) be suspended and the Senate take up, out of its order, House bill No. 33.

The motion was lost by the following vote, a two-thirds vote being necessary:

## Yeas—17.

Adams.	Mayfield.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kauffman.	

## Nays—10.

Hume.	Sturgeon.
Kellie.	Terrell of Wise.
Meachum.	Ward.
Murray.	Watson.
Ratliff.	Weinert.

## Absent.

Harper.	Willacy.
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## Absent—Excused.

Veale.

## HOUSE BILL NO. 31.

On motion of Senator Peeler, the pending order of business (Senate bill No. 5) was suspended and the Senate took up, out of its order, House bill No. 31 by the following vote:

## Yeas—23.

Adams.	Greer.
Alexander.	Holsey.
Brachfield.	Hume.
Bryan.	Kauffman.
Cofer.	Kellie.

Mayfield.  
Murray.  
Paulus.  
Peeler.  
Perkins.  
Ratliff.  
Real.

Senter.  
Sturgeon.  
Terrell of Wise.  
Ward.  
Watson.  
Weinert.

Absent.

Harper.  
Hudspeth.  
Meachum.

Terrell of Bowie.  
Terrell of McLennan.  
Willacy.

Absent—Excused.

Veale.

The Chair laid before the Senate, on second reading,

House bill No. 31, A bill to be entitled "An Act making appropriations for repairing, improving and constructing a sewerage system, and for general repairs at the North Texas Hospital for the Insane, and declaring an emergency."

On motion of Senator Holsey, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

Senator Holsey moved the constitutional rule requiring bills to be read on three several days be suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.  
Bryan.  
Cofer.  
Greer.  
Harper.  
Holsey.  
Hume.  
Kauffman.  
Mayfield.  
Meachum.  
Murray.  
Paulus.  
Peeler.

Perkins.  
Ratliff.  
Real.  
Senter.  
Sturgeon.  
Terrell of Bowie.  
Terrell of McLennan.  
Terrell of Wise.  
Ward.  
Watson.  
Weinert.  
Willacy.

Absent.

Alexander.  
Brachfield.

Hudspeth.  
Kellie.

Absent—Excused.

Veale.

The bill was read a third time, and passed by the following vote:

Yeas—24.

Adams.  
Alexander.  
Bryan.  
Cofer.

Greer.  
Harper.  
Holsey.  
Kauffman.

Kellie.  
Mayfield.  
Meachum.  
Murray.  
Paulus.  
Peeler.  
Ratliff.  
Real.

Senter.  
Sturgeon.  
Terrell of McLennan.  
Terrell of Wise.  
Ward.  
Watson.  
Weinert.  
Willacy.

Absent.

Brachfield.  
Hudspeth.  
Hume.

Perkins.  
Terrell of Bowie.

Absent—Excused.

Veale.

Senator Holsey moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

### THIRD HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 16, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Senate Concurrent Resolution No. 4, Requesting the Governor to return Senate bill No. 21 for correction.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

### HOUSE BILL NO. 34.

On motion of Senator Peeler, the pending order of business (Senate bill No. 5) was suspended and the Senate took up, out of its order, House bill No. 34 by the following vote:

Yeas—24.

Adams.  
Bryan.  
Cofer.  
Greer.  
Harper.  
Holsey.  
Hume.  
Kauffman.  
Kellie.  
Mayfield.  
Meachum.  
Murray.

Paulus.  
Peeler.  
Perkins.  
Ratliff.  
Real.  
Senter.  
Sturgeon.  
Terrell of McLennan.  
Terrell of Wise.  
Ward.  
Watson.  
Willacy.

Absent.

Alexander.  
Brachfield.  
Hudspeth.

Terrell of Bowie.  
Weinert.

Absent—Excused.

Veale.

The Chair, laid before the Senate, on second reading,

House bill No. 34, A bill to be entitled "An Act making an appropriation for the purpose of overhauling and repairing three boilers at the Deaf and Dumb Asylum, and to put them in safe working condition, providing the manner of the expenditure of such appropriation, and declaring an emergency."

On motion of Senator Peeler, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to third reading.

On motion of Senator Peeler, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Ratliff.
Harper.	Real.
Holsey.	Senter.
Hume.	Sturgeon.
Kauffman.	Terrell of McLennan.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Willacy.
Murray.	

Absent.

Alexander.	Terrell of Bowie.
Brachfield.	Terrell of Wise.
Hudspeth.	Weinert.

Absent—Excused.

Veale.

The bill was read third time and passed by the following vote:

Yeas—22.

Adams.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Ratliff.
Harper.	Real.
Holsey.	Senter.
Hume.	Sturgeon.
Kellie.	Terrell of McLennan.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Willacy.

Absent.

Alexander.	Brachfield.
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Hudspeth.

Kauffman.

Terrell of Bowie.

Terrell of Wise.

Weinert.

Absent—Excused.

Veale.

## MESSAGE FROM THE GOVERNOR.

Executive Office,  
State of Texas.

Austin, August 16, 1910.

To the Senate:

Complying with Concurrent Resolution No. 4, I have the honor to return herewith for correction Senate bill No. 21, entitled "An Act to authorize and empower Lamar county, or any political subdivision or said county, by a vote of two-thirds majority of the resident property taxpayers, qualified voters of such county or subdivision thereof voting thereon, to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting, etc., said work, and to repeal Chapter 72 of the Special Laws of the Thirty-first Legislature creating a special road law for Lamar county, approved March 17, 1909, and declaring an emergency."

Very respectfully,

T. M. CAMPBELL,  
Governor of Texas.

## REPORT WITHDRAWN.

Senator Terrell of McLennan, Chairman of Committee on Enrolled Bills, moved to withdraw the report on "Enrolled Bills on Senate bill No. 21," said report having been filed today.

The motion prevailed.

## HOUSE BILL NO. 19.

On motion of Senator Meachum, the pending order of business (Senate bill No. 5) was suspended, and the Senate took up, out of its order, House bill No. 19 by the following vote:

Yeas—22.

Adams.	Cofer.
Bryan.	Greer.

Harper.	Perkins.
Holsey.	Ratliff.
Hume.	Real.
Kellie.	Senter.
Mayfield.	Sturgeon.
Meachum.	Terrell of McLennan.
Murray.	Ward.
Paulus.	Watson.
Peeler.	Willacy.

Absent.

Alexander.	Terrell of Bowie.
Brachfield.	Terrell of Wise.
Hudspeth.	Weinert.
Kauffman.	

Absent—Excused.

Veale.

The Chair laid before the Senate, on second reading,

House bill No. 19, A bill to be entitled "An Act to amend Article 411ppp and 411qqq, Title 11, Chapter 6e, Penal Code of the State of Texas, passed by the Regular Session of the Twenty-ninth Legislature of the State of Texas and approved April 18, 1905, prescribing certain restrictions to be placed upon the shipment and transportation of intoxicating liquors into any county, justice precinct, school district, city or town, or subdivision or a county within this State where the sale of intoxicating liquors has been prohibited under the laws of this State, providing that where any such intoxicating liquor is not called for and taken away, and the charges thereon, if any, paid by the consignee, it shall be started in transit back to the consignor within seven days from the time of its arrival at its destination; prescribing that a book, to be open for public inspection, shall be kept in which shall be entered the transactions pertaining to the receipt, shipment and transportation and delivery of such intoxicating liquors; and fixing penalties for the violations of this act, and declaring an emergency."

Senator Meachum moved to adopt the committee report, which reported the bill favorably, with amendments, that the bill be not printed, but printed in the Journal.

The committee report was adopted.

Senator Meachum offered the following amendment, which was read and adopted:

Amend the bill, page 2, line 20, by inserting after the words "any officer of the law" the words "or any member of the grand jury."

MEACHUM,  
HARPER.

Bill read second time, and passed to a third reading.

On motion of Senator Meachum, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Senter.
Holsey.	Sturgeon.
Hume.	Terrell of McLennan.
Kellie.	Terrell of Wise.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Willacy.
Paulus.	

Absent.

Alexander.	Kauffman.
Brachfield.	Terrell of Bowie.
Hudspeth.	Weinert.

Absent—Excused.

Veale.

The bill was read third time and passed by the following vote:

Yeas—23.

Adams.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Senter.
Holsey.	Sturgeon.
Hume.	Terrell of McLennan.
Kellie.	Terrell of Wise.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Willacy.
Paulus.	

Absent.

Alexander.	Kauffman.
Brachfield.	Terrell of Bowie.
Hudspeth.	Weinert.

Absent—Excused.

Veale.

Senator Meachum moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

RECESS.

Senator Meachum moved that the Senate recess until 8 o'clock p. m. this evening.

Senator Terrell of McLennan moved that the Senate adjourn until 4 o'clock p. m. Tuesday, August 16, 1910.

Action being on the longest time first, the motion to recess until 8 o'clock p. m. today was adopted by the following vote:

Yeas—15.

Adams.	Peeler.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Ward.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Nays—14.

Alexander.	Mayfield.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Holsey.	Terrell of Wise.

Absent—Excused.

Veale.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

FOURTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 16, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House bill No. 42, A bill to be entitled "An Act to regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication in all territory where the sale of such liquors has been prohibited, except for sacramental and medicinal purposes, by a majority vote of the people; imposing occupation tax upon persons, firms, corporations and associations of persons selling such liquors in such territory; requiring such persons, before selling such liquors, to procure a license, and providing the terms and conditions upon which such license may be issued; requiring such persons desiring to sell such liquors in such territory to execute bonds, and prescribing the conditions of such bonds;

providing that no such person shall sell such liquors except upon the prescription of a regular practicing physician, and what such prescriptions shall contain before such sale is made; and providing that persons selling such liquors shall make and file with the county attorney or county clerk certain reports, and shall so file all prescriptions filed by them, and providing that physicians issuing such prescriptions shall make certain reports of all prescriptions issued by them, and providing for their filing such reports and duplicates of all prescriptions issued by them with the county attorney; and providing for the forfeiture of the license of such physician for failing to file such reports or for filing false reports or for writing such prescriptions when patient not sick; providing for the revocation, under certain conditions, of all such license to sell liquor in such territory; and providing penalties for the violation of the provisions of this act, and declaring an emergency."

Also concur in Senate amendments to House bill No. 19 by the following vote: Yeas, 92; nays, 13.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill:

House bill No. 42, referred to Judiciary Committee No. 2.

MEMORIAL SERVICES.

The Chair (Lieutenant Governor Davidson) stated that the hour had arrived for the Senate to hold memorial services in memory of the late Senator Stokes, the time having been previously designated by motion made and adopted by the Senate.

Senators Greer, Cofer, Willacy, Murray, Holsey, Adams, Ward and Representative Ben F. Looney spoke of the exemplary life and character of Senator Stokes; of his splendid record as a member of the Legislature; his loyalty and fidelity to his friends and the people he represented, and the good example he set for the rising generation.

Senator Meachum moved that the Senate recess until 10 o'clock tomorrow morning.

Senator Cofer moved, as a substitute, that the Senate adjourn until tomorrow morning at 9:30 o'clock.

Action being on the longest time first, the motion to recess until 10 o'clock tomorrow prevailed by the following vote:

Yeas—17.

Adams.	Ratliff.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Sturgeon.
Kellie.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.
Peeler.	

Nays—12.

Alexander.	Holsey.
Brachfield.	Mayfield.
Bryan.	Perkins.
Cofer.	Terrell of Bowie.
Greer.	Terrell of McLennan.
Harper.	Terrell of Wise.

Absent—Excused.

Veale.

#### AFTER RECESS.

The Senate was called to order pursuant to recess, Lieutenant Governor Davidson presiding.

#### SENATE BILL NO. 20—HOUSE AMENDMENTS CONCURRED IN.

Senator Bryan called up

Senate bill No. 20, A bill to be entitled "An Act making an appropriation for a deficiency in support of the State government for the fiscal year ending August 31, 1910, being to pay for the services of a clerk employed by the Tax Commissioner of the State of Texas, and declaring an emergency."

With the following House amendments:

(1)

Amend Senate bill No. 20 by inserting at the end of Section 1 the following words: "For Secretary of State's office, the sum of seventy-five (\$75) dollars, or so much thereof as may be necessary for the purpose of preparing for publication the laws passed by the Third (Called Session of the Thirty-first Legislature; and sixty-one thousand five hundred and eighty-two (\$61,582.50) and fifty one-hundredth dollars for the pur-

pose of paying the interest due and unpaid up to September 1, 1910, upon one million fifty-five thousand and seven hundred (\$1,055,700) dollars of bonds of the State of Texas refunded by this Called Session of the Thirty-first Legislature."

(2)

Amend the caption to correspond with this amendment.

Senator Bryan moved that the Senate concur in the above House amendments, the motion being adopted by the following vote:

Yeas—25.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Senter.
Holsey.	Sturgeon.
Hudspeth.	Ward.
Kauffman.	Watson.
Kellie.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Hume.	Terrell of McLennan.
Terrell of Bowie.	Terrell of Wise.

Absent—Excused.

Veale.

Senator Bryan moved to reconsider the vote by which the amendments were concurred in, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 42.

On motion of Senator Greer, the pending order of business (Senate bill No. 5) was suspended, and the Senate took up, out of its order, House bill No. 42, by the following vote:

Yeas—29.

Adams.	Kellie.
Alexander.	Mayfield.
Brachfield.	Meachum.
Bryan.	Murray.
Cofer.	Paulus.
Greer.	Peeler.
Harper.	Perkins.
Holsey.	Ratliff.
Hudspeth.	Real.
Hume.	Senter.
Kauffman.	Sturgeon.



Terrell of Bowie. Watson.  
 Terrell of McLennan. Weinert.  
 Terrell of Wise. Willacy.  
 Ward.

Absent—Excused.

Veale.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Hudspeth. Terrell of Bowie.

Absent—Excused.

Veale.

On motion of Senator Greer, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report) by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of McLennan.
Hume.	Terrell of Wise.
Kauffman.	Ward.
Kellie.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Hudspeth. Terrell of Bowie.

Absent—Excused.

Veale.

On motion of Senator Greer, the committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, on second reading,

House bill No. 42, A bill to be entitled "An Act to further regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication in all territory where the sale of such liquors has been prohibited, except for sacramental and medical purposes, by a majority vote of the people; and further regulating the terms and conditions on which licenses may issue to sell such liquors in such territory, and requiring petition signed by a majority of the qualified voters of the justice precinct where business is to be conducted before license shall issue; providing that no license for a longer or shorter period than one year; cancelling all such licenses now in force, and providing for refund of unearned portions of all cancelled licenses, and declaring an emergency."

Bill read second time, and passed to a third reading.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Hudspeth.

Absent—Excused.

Veale.

The bill was read third time, and passed by the following vote:

Yeas—28.

Adams.	Holsey.
Alexander.	Hume.
Brachfield.	Kauffman.
Bryan.	Kellie.
Cofer.	Mayfield.
Greer.	Meachum.
Harper.	Murray.

Paulus.	Terrell of Bowie.
Peeler.	Terrell of McLennan.
Perkins.	Terrell of Wise.
Ratliff.	Ward.
Real.	Watson.
Senter.	Weinert.
Sturgeon.	Willacy.

Absent.

Hudspeth.

Absent—Excused.

Veale.

Senator Greer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 33—REFUSED TO TAKE UP.

Senator Kauffman moved that the pending order of business (Senate bill No. 5) be suspended, and the Senate take up, out of its order, House bill No. 33.

The motion was lost by the following vote (a two-thirds vote being necessary):

Yeas—17.

Adams.	Kellie.
Alexander.	Mayfield.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Harper.	Real.
Holsey.	Senter.
Hudspeth.	Terrell of Bowie.
Kauffman.	

Nays—11.

Greer.	Terrell of Wise.
Hume.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Ratliff.	Willacy.
Sturgeon.	

Absent.

Terrell of McLennan.

Absent—Excused.

Veale.

#### FIFTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 17, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House bill No. 32, A bill to be entitled "An Act to authorize the Secretary of State in his discretion to require an affidavit of incorporation before filing charter, and declaring an emergency."

House bill No. 43, A bill to be entitled "An Act making it a misdemeanor to sell, give away or drink or permit to be sold, given away or drunk, spirituous, vinous or malt liquors, whether capable of producing intoxication or not, in any bawdy house, disorderly house or assignation house; defining a bawdy house, a disorderly house, assignation house; providing a penalty for the violation of this act, and declaring an emergency," with engrossed rider.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following House bills: House bill No. 32, referred to Committee on Internal Improvements.

House bill No. 43, referred to Judiciary Committee No. 2.

#### HOUSE BILL NO. 35.

Senator Senter moved that the pending order of business (Senate bill No. 5) be suspended, and the Senate take up, out of its order, House bill No. 35.

The motion prevailed by the following vote (a two-thirds vote being necessary):

Yeas—19.

Adams.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Senter.
Holsey.	Sturgeon.
Kauffman.	Terrell of McLennan.
Kellie.	Ward.
Mayfield.	Weinert.
Paulus.	

Nays—6.

Hume.	Terrell of Wise.
Meachum.	Watson.
Murray.	Willacy.

Absent.

Alexander.	Hudspeth.
Brachfield.	Terrell of Bowie.

## Absent—Excused.

Veale.

Senator Hume made a point of order that the bill could not be considered at this time in view of the fact that the committee recommended that the bill be printed in the Journal and same was in the hands of the printer.

The Chair overruled the point of order.

Pending discussion, however, the Chair held that the original bill would have to be before the Senate.

Senator Senter moved that the Senate be at ease for ten minutes.

Senator Watson moved, as a substitute, that the Senate recess until 2 o'clock today.

Action being on the substitute motion first, the same was lost by the following vote:

## Yeas—13.

Adams.	Paulus.
Hudspeth.	Peeler.
Hume.	Real.
Kauffman.	Watson.
Kellie.	Weinert.
Meachum.	Willacy.
Murray.	

## Nays—16.

Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Senter.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Holsey.	Terrell of Wise.
Mayfield.	Ward.

## Absent—Excused.

Veale.

The motion to stand at ease for ten minutes then prevailed.

The Senate was again called to order by Lieutenant Governor Davidson.

## RECESS.

Senator Meachum moved that the Senate recess until 3 o'clock today.

Senator Harper made a point of order on the motion that no business had been transacted since a like motion had been voted on.

The Chair overruled the point of order.

The motion to recess prevailed by the following vote:

## Yeas—16.

Adams.	Peeler.
Hudspeth.	Real.
Hume.	Sturgeon.
Kauffman.	Terrell of McLennan.
Kellie.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

## Nays—13.

Alexander.	Mayfield.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Senter.
Greer.	Terrell of Bowie.
Harper.	Terrell of Wise.
Holsey.	

## Absent—Excused.

Veale.

## AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

## REFUSE TO RECEIVE COMMITTEE REPORT.

Senator Harper asked unanimous consent to offer a committee report on House bill No. 23. and Senator Watson objected to receiving the report.

## AT EASE.

Senator Murray moved that the Senate be at ease subject to the call of the Chair, and

Senator Watson moved, as a substitute, that the Senate recess until 8 o'clock tonight.

The motion to recess was lost by the following vote:

## Yeas—9.

Adams.	Peeler.
Kellie.	Real.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	

## Nays—15.

Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Senter.
Cofer.	Sturgeon.
Greer.	Terrell of McLennan.
Harper.	Terrell of Wise.
Holsey.	Ward.
Kauffman.	

Absent.

Hudspeth. Terrell of Bowie.  
Hume. Willacy.  
Mayfield.

Absent—Excused.

Veale.

## IN SESSION.

The Senate was called to order by  
Lieutenant Governor Davidson.

## HOUSE BILL NO. 38.

On motion of Senator Harper the  
pending order of business (Senate bill  
No. 5) was suspended, and the Senate  
took up, out of its order, House bill No.  
38, by the following vote:

Yeas—23.

Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Kellie.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	

Nays—2.

Adams. Senter.

Absent.

Brachfield. Mayfield.  
Holsey. Willacy.

Absent—Excused.

Veale.

The Chair laid before the Senate, on  
second reading,

House bill No. 38, A bill to be entitled  
"An Act denouncing as a nuisance any  
place, room or building in any county,  
justice precinct, town, city or subdivi-  
sion of a county as may be designated  
by the commissioners court of said county  
in which the sale of intoxicating  
liquors have been prohibited under the  
laws of this State, kept or used for the  
purpose of selling intoxicating liquor in  
violation of law, also denouncing as a  
nuisance any intoxicating liquor kept,  
possessed or used for such purpose, and  
the tools, appliances and furniture used  
therewith, prescribing a suitable pro-

cedure for the search and seizure of any  
such liquor, tools, appliances and furni-  
ture, for the trial of the issue presented,  
the judgment to be rendered therein;  
also to prevent by means of the writ of  
injunction at the suit of the State or  
any citizen thereof, the use or the con-  
templated use, or threatened use, of any  
such place, room or building, or the  
keeping of any such intoxicating liquor  
and the tools, appliances and furniture  
used therewith, for any such illegal pur-  
pose, and declaring an emergency."

The committee report, which provided  
that the bill do pass and be not printed,  
was adopted, on motion of Senator Har-  
per.

The bill was read second time and  
passed to a third reading by the follow-  
ing vote:

Yeas—19.

Alexander.	Perkins.
Brachfield.	Ratliff.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Terrell of Wise.
Meachum.	Ward.
Peeler.	

Nays—8.

Adams.	Murray.
Hume.	Paulus.
Kauffman.	Watson.
Kellie.	Weinert.

Absent.

Mayfield. Willacy.

Absent—Excused.

Veale.

On motion of Senator Harper the con-  
stitutional rule requiring bills to be  
read on three several days was sus-  
pended and the bill put on its third  
reading and final passage by the follow-  
ing vote:

Yeas—22.

Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Ratliff.
Cofer.	Real.
Greer.	Senter.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Terrell of Wise.
Meachum.	Ward.
Paulus.	Weinert.

Nays—5.

Adams. Murray.  
Hume. Watson.  
Kauffman.

Absent.

Mayfield. Willacy.

Absent—Excused.

Veale.

The bill was read third time and passed.

Senator Harper moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 7—FREE CONFERENCE COMMITTEE REPORT ON.

Senator Hudspeth presented the following Free Conference Committee report:

Austin, Texas, August 17, 1910.

Hon. A. B. Davidson, President of the Senate, and Hon. John Marshall, Speaker of the House of Representatives.

Sirs: Your Free Conference Committee to consider House bill No. 7, same being a bill to be entitled "An Act providing conditions upon which insurance companies writing contracts or policies of insurance against the hazard of fire may transact business in the State of Texas, and providing for the making, promulgation, regulation and control of schedules, rates and premiums, and forms of policies; and to prevent discrimination therein, and create a State Insurance Board, prescribing the duties and authority of said board, and each member thereof; to appropriate money therefor, and to provide penalties for violations of this act, and repealing Chapter 18 of the General Laws of the State of Texas, passed by the First Called Session of the Thirty-first Legislature, and all other laws and parts of laws in conflict therewith, and declaring an emergency," have had same under consideration, and recommend back to the House and Senate, as follows:

First. That the Senate recode from its amendments and that House bill No. 7 be amended as follows:

Amend Section 2 by striking out the word "August" wherever it occurs and insert in lieu thereof the word "February."

Amend Section 4, line 5, by inserting after the word "determining" and before the word "specific" the word "maximum."

Amend Section 11, line 15, by inserting after the word "proper" and before the word "specific" the word "maximum."

Amend Section 13, line 17, after the word "rates" and before the word "provided" by inserting the following: "which rate shall be the maximum insurance rates that may be charged for insurance in this State. Provided, further, that any company may write insurance at a lower rate than the maximum on any or all classes of risks in any particular locality but shall file a statement of such reduced rate or rates with the board, but the board shall not take into consideration such reduction in any rate in determining any future maximum rates. Any company making any reduction shall file a statement of such reduction with the board."

Amend Section 13, paragraph 2, line 1, by inserting after the word "the" and before the word "specific" the word "maximum," and in line 4 of the same paragraph, after the word "such" and before the word "specific" insert the word "maximum," and in line 7, after the word "such" and before the word "specific" insert the word "maximum," and in line 13, after the word "the" and before the word "specific" insert the word "maximum," and in line 14, after the word "such" and before the word "rates" insert the word "maximum," and in line 18, after the word "the" and before the word "specific" insert the word "maximum," and in line 26, after the word "the" and before the word "specific" insert the word "maximum," and in lines 30 and 31, after the word "the" and before the word "specific" insert the word "maximum," and after the word "risks" in the last line of the same paragraph add the following: "except as provided in this section."

Add Section 13a: "No provision in any policy of insurance issued by any company subject to the provisions of this act, that if said property is encumbered by a lien of any character, or shall thereafter be encumbered by a lien of any character, shall render such policy void, shall be of any force and effect."

Amend Section 14, line 2, after the word "the" and before the word "specific" by inserting the word "maximum," and in line 8, after the word "all" and before the word "specific" insert the

word "maximum," and in line 5, after the word "his" and before the word "specific" insert the word "maximum."

Amend Section 15 by striking out said section and insert in lieu thereof the following: "It is further provided that until the general basis schedules herein provided for shall have been promulgated by the board and the maximum specific rates thereunder made by the companies and approved by the board that all companies subject to the provisions of this act shall write all policies under the rates as now in force in this State in such localities where the companies have applied the specific rates and have filed said rates with the said Fire Rating Board, but wherever such specific rates have not been filed, then the board shall designate at what rate the companies shall write insurance; provided, however, that all rates under this section shall be maximum rates and nothing shall prevent the companies in any locality from writing below the maximum rates."

Amend Section 16, line 4, by inserting after the word "the" and before the word "specific" the word "maximum," and in line 7, by inserting after the word "or" and before the word "rates" the word "maximum."

Amend Section 20, line 6, by striking out the word "different" and inserting the word "higher."

Amend Section 20, line 12, by inserting after the word "board" the following: "or authorized by this act."

Amend Section 20, line 20, by striking out all provisions of said section beginning with line 20, the first word of line 20 being the word "it," including the balance of paragraphs 1 and 2, the last word in paragraph 2 being the word "discrimination."

Add Section 25a: "All policies heretofore issued or which shall hereafter be issued by any insurance company under this act or any other act which provided that said policies shall be void for non-payment of premiums at a certain specified time, shall be and are in full force and effect, provided that the company or any of its agents has accepted the premium on said policy after the expiration of the dates named in said provision fixing the date of payment."

Insert Section 27a: "If any part of this act be for any reason held unconsti-

tutional, it shall not affect any other portion or part of this act."

HUDSPETH,  
ALEXANDER,  
TERRELL of Bowie,  
BRACHFIELD,  
WEINERT,

On the Part of the Senate.

BAKER of Hood,  
TERRELL of Bexar,  
GILMORE,

On the Part of the House.

The above report was read and Senator Hudspeth moved that it be adopted. (Senator Watson in the chair.)

Pending discussion, Senator Hudspeth moved the previous question, which being duly seconded, was so ordered.

The report was adopted by the following vote:

Yeas—21.

Adams.  
Alexander.  
Brachfield.  
Bryan.  
Greer.  
Harper.  
Holsey.  
Hudspeth.  
Kellie.  
Mayfield.  
Meachum.

Paulus.  
Peeler.  
Perkins.  
Ratliff.  
Real.  
Sturgeon.  
Terrell of Bowie.  
Ward.  
Watson.  
Weinert.

Nays—7.

Cofer.  
Hume.  
Kauffman.  
Murray.

Senter.  
Terrell of McLennan.  
Terrell of Wise.

Absent.

Willacy.

Absent—Excused.

Veale.

#### REASONS FOR VOTE.

I vote "yea" on the motion to adopt the report of the Free Conference Committee on the part of the Senate, because a failure to adopt the report of the Free Conference Committee will, in all probability, defeat all legislation at this session of the Legislature, and might be grounds for the Governor to call another extra session of the Legislature for the purpose of passing legislation on this question, and this would entail a large expense upon the taxpayers of this State.

While I prefer the House bill to that of the Senate, I believe the Senate bill is a better law than the present insurance law, and I therefore am constrained

to vote for the adoption of the Free Conference Committee report.

MAYFIELD.

(Lieutenant Governor Davidson in the chair.)

### HOUSE BILL NO. 13.

On motion of Senator Peeler, the pending order of business (Senate bill No. 5) was suspended, and the Senate took up, out of its order, House bill No. 13 by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Senter.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Willacy.

Absent—Excused.

Veale.

The Chair laid before the Senate, on second reading,

House bill No. 13, A bill to be entitled "An Act providing for the election, qualification, bond and duties of the Comptroller of Public Accounts of the State of Texas and of his employes; providing for a complete system of accounting, bookkeeping and auditing for said departments with other departments and officers of the government; providing that the Comptroller shall prescribe and furnish forms to be used in the collection of revenue and claims; providing for the appointment of a chief clerk, and prescribing his duties; providing for filling vacancies in the office of the Comptroller; repealing Articles 2818, 2819, 2820, 2821, 2822, 2823, 2824, 2825, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2846, 2847 and 2848 of Chapter 2 of Title 52 of the Revised Civil Statutes of 1895, relating to the duties of the Comptroller in connection with the bookkeeping and auditing of the Comp-

troller's Department, and all laws and parts of laws in conflict with this act, and declaring an emergency."

The committee report, with amendments, was adopted.

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by striking out the words "and the same shall" in line 11, page 8.

ALEXANDER,  
PEELER,  
BRYAN.

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by striking out the words "and the same shall" in line 30, page 7.

ALEXANDER,  
PEELER,  
BRYAN.

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill (committee amendment) by adding after the word "act" in line 2 of Section 30, the words "such warrants shall be separately serially numbered."

ALEXANDER,  
PEELER,  
BRYAN.

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill (committee amendment) Section 15a by striking out the word "assessor," line 16, page 17, and inserting the word "collector."

ALEXANDER,  
PEELER,  
BRYAN.

Senator Alexander offered the following amendment which was read and adopted:

Amend the bill, page 14, line 20, by inserting after the word "Treasurer," the words "shall be stated."

ALEXANDER,  
PEELER,  
BRYAN.

### ADJOURNMENT.

Senator Meachum moved that the Senate adjourn until 8:30 o'clock tonight.

The motion prevailed by the following vote:

## Yeas—19.

Adams.	Peeler.
Cofer.	Ratliff.
Harper.	Real.
Hudspeth.	Sturgeon.
Hume.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Kellie.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	

## Nays—8.

Brachfield.	Mayfield.
Bryan.	Perkins.
Greer.	Senter.
Holsey.	Terrell of Bowie.

## Absent.

Alexander.	Willacy.
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## Absent—Excused.

Veale.

## BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

Senate bill No. 21, "An Act to authorize and empower Lamar county or any political subdivision of said county by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds, and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work, and to repeal Chapter 72 of the Special Laws of the Thirty-first Legislature, a special road law for Lamar county, approved March 17, 1909, and declaring an emergency."

House bill No. 40, "An Act to incorporate the city of San Antonio, Bexar county, Texas, and to grant it a new charter to provide for a commission form of government, to define its powers and to prescribe its duties and liabilities, to provide for the approval of said charter by the qualified voters of said city, and to declare an emergency, and to repeal all acts in conflict herewith."

House bill No. 37, "An Act to amend Article 359, Chapter 4, Title 10, of the Penal Code of the State of Texas, as amended by Chapter 132 of the Acts of the Thirtieth Legislature, defining what constitutes a disorderly house, so as to include any house located in any county, justice precinct or other subdivision of a county where the sale of intoxicating liquor has been legally prohibited in which such non-intoxicating malt liquors are sold or kept for the purpose of sale as to require the seller thereof to obtain United States revenue license as a retail malt liquor dealer, or any house where the owner, proprietor or lessee thereof has posted United States internal revenue license as a retail liquor dealer or as a retail malt liquor dealer."

House bill No. 34, "An Act making appropriation for the purpose of overhauling and repairing three boilers at the Deaf and Dumb Asylum, and to put them in safe working condition, providing the manner of expenditure of such appropriation, and declaring an emergency."

House bill No. 29, "An Act to amend an act entitled 'An Act granting Palestine. Anderson county, Texas, a new charter of incorporation, repealing all laws and parts of laws in conflict therewith and declaring an emergency.'"

House bill No. 19, "An Act to amend Article 411ppp and 411qqq, Title 11, Chapter 6e, Penal Code of the State of Texas, passed by the Regular Session of the Twenty-ninth Legislature of Texas, and approved April 18, 1905, prescribing certain restrictions to be placed upon the shipment and transaction of intoxicating liquors into any county, justice precinct, school district, city or town or subdivision of a county within this State where the sale of intoxicating liquors has been prohibited under the laws of this State; prescribing that a book shall be kept in which shall be entered the transactions pertaining to the receipt, shipment and transportation and delivery of such intoxicating liquors, and fixing penalties for the violations of this act, and declaring an emergency."

House bill No. 44, "An Act to amend Sections 6 and 7 of Chapter 69 of the local and special laws of the Thirtieth Legislature, being entitled 'An Act to amend the special road law of Van Zandt county, Texas,' as enacted by the Twenty-eighth Legislature, and sent to the Governor for approval on the 18th day of March, 1903, and to authorize



and empower the commissioners court of said county to issue bonds for the permanent improvement of the public roads of said county, and declaring an emergency."

House bill No. 31, "An Act making appropriations for repairing, improving and constructing a sewerage system, and for general repairs at the North Texas Hospital for the Insane, and declaring an emergency."

House bill No. 42, "An Act to further regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication, in all territory where the sale of such liquors has been prohibited, except for sacramental and medicinal purposes, by a majority vote of the people; and further regulating the terms and conditions on which licenses may issue to sell such liquors in such territory, and requiring petition signed by a majority of the qualified voters of the justice precinct where business is to be conducted before license shall issue; providing that no license issue for a longer or shorter period than one year; canceling all such licenses now in force and providing for refund of unearned portions of all canceled licenses, and declaring an emergency."

The Chair (President Pro Tem. Alexander) gave notice of signing, and did sign in the presence of the Senate, after its caption had been read, the following resolution:

Senate Joint Resolution No. 1, Ratifying the Sixteenth Amendment to the Constitution of the United States of America:

## APPENDIX.

### PETITIONS AND MEMORIALS.

By Senator Perkins:

McKinney, Texas, August 15, 1910.

Senator Tom W. Perkins, Austin, Texas.

Esteemed Senator: We most heartily thank and commend your efforts to suppress the prize fight and all other immoral motion picture shows, and especially do we commend your able and faithful efforts to render our local option laws more easily enforced. We sincerely hope that you may succeed in utterly suppressing the liquor traffic, and, when you have annihilated said traffic, you will have bestowed the greatest blessing to mankind. This achievement, we trust,

will be but the beginning of a long and brilliant official career.

Numerously Signed.

### COMMITTEE REPORTS.

Committee Room,

Austin, Texas, August 16, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Judiciary Committee No. 1, to whom was referred

House bill No. 33, A bill to be entitled "An Act to require persons, firms, corporations and associations of persons engaged in compressing cotton in this State to so bind and tie all bales of cotton so that no bale of cotton by them compressed, recompressed, baled or re-baled shall be delivered to any railroad company or other common carrier unless the same is free from dangerously exposed ends of bands or any exposed or any obtruding dangerous part of the ties, bands, buckles or splices used in tying or baling such bale of cotton, and to provide penalties therefor, and prescribing the duties of the Commissioner of Labor, and making an appropriation for the Bureau of Labor Statistics, and providing for annual accounting by said Commissioner of Labor, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass, and be not printed.

MEACHUM, Chairman.

(Floor Report.)

Austin, Texas, August 15, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

Concurrent Senate and House Joint Resolutions Nos. 1 and 2, Ratifying the Sixteenth Amendment to the Constitution of the United States of America,

Have had same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Cofer, Acting Chairman; Ratliff, Weinert, Perkins, Brachfield, Kauffman, Watson.

## (Floor Report.)

Austin, Texas, August 16, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

House bill No. 9, A bill to be entitled "An Act defining 'bills of lading' and defining the word 'carrier' as these words are used in this act, providing that it shall be the duty of carriers, their officers and agents to issue negotiable bills of lading or straight or non-negotiable bills of lading at the request of the shipper, between certain places prescribed in the act, and defining negotiable or order bills of lading and non-negotiable or straight bills of lading, and prescribing certain requirements for bills of lading; making all negotiable bills of lading negotiable by endorsement and delivery in the same manner as bills of exchange or promissory notes, and prohibiting the placing upon negotiable bills of lading any terms which would, in any manner, limit their negotiability; prescribing how bills of lading shall be issued and prohibiting the issuance of negotiable bills of lading in parts or sets; providing that all carriers shall keep posted up in certain places a written instrument authorizing their agents to sign bills of lading; prescribing the duties of carriers and their liability for failure to take up and cancel negotiable bills of lading when the goods or a part thereof have been delivered; prescribing that a court of competent jurisdiction may order goods delivered when negotiable bills of lading have been lost upon the giving of a bond by the holder of the lost bills of lading, under certain conditions; prescribing certain duties of local station agents of carriers; prescribing and defining the duties and liabilities of carriers with reference to the consignee in a straight or non-negotiable bill of lading and to the holder of an order or negotiable bill of lading and providing that the carrier shall be estopped to deny the receipt of goods described in a bill of lading, or vary the description thereof as contained in the bill of lading under certain conditions named in this act; providing that the carrier shall not be liable under the provisions of this act when the goods are taken from his custody by legal process or sold to satisfy the carrier's lien, or sold under the provisions of the law; creating and defining certain criminal offenses for the violation of the provisions of this act,

and prescribing penalties therefor; creating and defining certain criminal offenses with reference to the issuance or negotiation of bills of lading and prescribing penalties therefor, and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Brachfield, Chairman; Senter, Perkins, Bryan, Holsey, Mayfield, Murray, Terrell of McLennan, Meachum.

## (Majority Report.)

Committee Room,

Austin, Texas, August 16, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Committee on Internal Improvements, to whom was referred House bill No. 35, have had same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass, and that same be printed in the Journal.

## (Minority Report.)

Committee Room,

Austin, Texas, August 16, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: A minority of your Committee on Internal Improvements, to whom was referred House bill No. 35, have had same under consideration, and beg to report it back to the Senate with the recommendation that it do not pass.

HUME.

Following is the bill in full:

House bill No. 35. By Reedy et al.

## A BILL

## To Be Entitled

An Act to require persons and corporations, or receivers, engaged in repairing railroad cars or other railroad equipment, not including locomotives, to erect and maintain buildings for the protection from rain, wind, or other inclement weather, employes engaged in repairing railroad cars and other railroad equipment, and providing penalties for the violation of this act, and regulating penalties and repealing Chapter 53, Acts of the Thirty-first Legislature of the State of Texas, entitled "An Act to require all railroad companies doing business in this

State to provide suitable premises and shelter for the protection from the weather of their employes while engaged in labor in the service of said railroad companies, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That every person, corporation or receiver engaged in repairing railroad cars or other railroad equipment, not including locomotives, shall erect and maintain a building at every station or other point where as many as five men are regularly employed on such repair work, the building to cover a sufficient portion of its track so as to provide that all men regularly employed in the construction and repair of cars, trucks or other railroad equipment, except locomotives, shall be sheltered from rain and fully protected from other inclement weather.

The provisions of this act shall not apply at points where less than five men are regularly employed in the repair service, nor at division terminals or other points where it is necessary to make light repairs only on cars, nor to cars loaded with time or perishable freight, nor to cars when trains are being held for the movement of said cars.

Sec. 2. Any person, corporation or receiver who shall violate the provisions of this act shall be liable to the State of Texas for a penalty in any sum not less than \$50.00 nor more than \$100.00, and each day of such failure or refusal to comply with the provisions of this act shall be considered a separate infraction authorizing the recovery of a separate penalty.

Suit for recovery of penalties hereunder shall be brought by the Attorney General of this State or by the county or district attorney of the county in which suit is brought, and the county or district attorney, as the case may be, shall receive a fee of ten (10) per cent upon each penalty recovered and collected by him in addition to the fees allowed him by law at this time, and said fee shall be over and above the fees allowed under the general fee act in force in this State.

Sec. 3. That Chapter 53 of the Acts of the Regular Session of the Thirty-first Legislature entitled "An Act to require all railroad companies doing business in this State to provide suitable premises and shelter for the protection from the weather of their employes

while engaged in labor in the service of said railroad company" be, and the same is hereby repealed; that this act shall take effect ninety days after the adjournment of this Special Session; but that all persons, corporations or receivers affected by this act shall have until June 1, 1911, within which to comply with the provisions thereof.

Sec. 4. The importance of the legislation proposed in this bill and the probable early adjournment of the present session of the Legislature, rendering it improbable that this bill can be read on three several days in each house creates an emergency and an imperative public necessity exists requiring the constitutional rule requiring bills to be read on three several days in each house be suspended, and said rule is hereby suspended, and it is so enacted.

(Floor Report.)

(By Unanimous Consent.)

Austin, Texas, August 17, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 2, to whom was referred

House bill No. 43, A bill to be entitled "An Act making it a misdemeanor to sell, give away or drink or permit to be sold, given away or drunk, spirituous, vinous or malt liquors, whether capable or producing intoxication or not, in any bawdy house, disorderly house or assignation house; defining a bawdy house, a disorderly house, assignation house; providing a penalty for the violation of this act, and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass, and be not printed.

Harper, Chairman; Watson, Alexander, Senter, Murray, Real, Cofer, Sturgeon, Greer, Hudspeth.

(Floor Report.)

(By Unanimous Consent.)

Austin, Texas, August 17, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

House bill No. 32, A bill to be entitled "An Act to authorize the Secretary of State in his discretion to require an affidavit of incorporators before filing charter, and declaring an emergency."

Have had same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

Brachfield, Chairman; Perkins, Hume, Holsby, Terrell of McLennan, Senter Mayfield.

(Floor Report.)

Austin, Texas, August 16, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Judiciary Committee No. 2, to whom was referred

House bill No. 42, A bill to be entitled "An Act to further regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication in all territory where the sale of such liquors has been prohibited, except for sacramental and medical purposes, by a majority vote of the people; and further regulating the terms and conditions on which licenses may issue to sell such liquors in such territory and requiring petition signed by a majority of the qualified voters of the justice precinct where business is to be conducted before license shall issue; providing that no license shall be issued for a longer or shorter period than one year; cancelling all such licenses now in force and providing for refund of unearned portions of all cancelled licenses, and declaring an emergency,"

Have had same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

Harper, Chairman; Greer, Cofer, Sturgeon, Hudspeth, Alexander, Senter, Real, Watson, Murray.

Committee Room,  
Austin, Texas, August 17, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 21, "An Act to authorize and empower Lamar county or any political subdivision of said county by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county or of such po-

litical subdivision, and to levy and collect taxes to pay the interest on such bonds, and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes and prescribing ways and means of conducting and supervising said work, and to repeal Chapter 72 of the Special Laws of the Thirty-first Legislature creating a special road law for Lamar county, approved March 17, 1909, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 10:19 o'clock a. m., presented the same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,  
Austin, Texas, August 17, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate Joint Resolution No. 1, Ratifying the Sixteenth Amendment to the Constitution of the United States of America.

And find it correctly enrolled, and have this day, at 10:19 o'clock a. m., presented the same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,  
Austin, Texas, August 15, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 11, and find it correctly enrolled, and have this day, at 3:20 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the bill in full:

An Act to amend Chapter 16 of the Acts of the Regular Session of the Thirty-first Legislature of the State of Texas, approved February 20, 1909, entitled "An Act authorizing any county in the State of Texas, having a population in excess of fifty thousand inhabitants by the last preceding United States census, to submit to the qualified voters the propriety of a bond issue for the construction and maintenance of causeways, via-

ducts, bridges and approaches across and rivers within the limits of such county, and to provide for the construction, maintenance and use of such causeways, viaducts, bridges and approaches, and declaring an emergency," by adding thereto Sections 9a and 9b, providing a method by which counties may acquire land upon which to construct and maintain said causeways, viaducts, bridges and approaches, by condemnation, and by grant from cities and counties of the right to use streets, alleys, public highways and public grounds, and to authorize counties to construct said causeways, viaducts, bridges and approaches across the lines of railway, telegraph and telephone corporations, and the method thereof, and declaring an emergency.

Section 1. Be it enacted by the Legislature of the State of Texas: That Chapter 16 of the Acts of the Regular Session of the Thirty-first Legislature of the State of Texas, approved February 20, 1909, be amended by adding thereto Sections 9a and 9b, which shall read as follows:

"Section 9a. Said county, acting through its commissioners court, shall have the power, and is hereby authorized to take and appropriate such lands and other property, situated within or without the limits of any city or town, as may be deemed necessary for the establishment, location, construction, maintenance, repair or security of said causeways, viaducts, bridges and approaches, and to define the area of land needed not to exceed two hundred feet in width, and to acquire, take, hold and enjoy the same, for the purposes aforesaid, and shall have the right to exercise the power of eminent domain, and to condemn lands for the uses and purposes aforesaid; said condemnation proceedings to be instituted in the name of the county, before the judge of the court having jurisdiction by law to act in condemnation proceedings for rights of way by railroad companies and all laws in reference to applications and proceedings for the condemnation of rights of way for railroad companies shall apply to condemnations under this act, the county occupying the position of the railroad company, except that in no case shall the county be required to give bond; provided, nevertheless, that said county acting through its commissioners court

shall be empowered to take the fee simple estate to the land condemned or acquired hereunder, whenever deemed necessary for the purposes of this act; provided further, that before exercising the power of eminent domain hereunder, said county commissioners court shall by order duly entered on its minutes define and describe the lands needed and determine whether an easement or fee simple estate in said land shall be taken. And the county commissioners court of any county, with the consent of any city, given by its duly authorized municipal authorities or the municipal authorities of any city, in which said causeway, viaduct, bridge and approaches are to be constructed and maintained, shall have power and are hereby authorized to grant the use of, and impose such additional uses upon all streets, alleys, public highways and other public grounds as they may deem necessary for the location, construction and maintenance of said causeways, viaducts, bridges and approaches, and may authorize the construction of same across or upon any such street, alley, public highway or public grounds.

"Section 9b. Said county, acting through its commissioners court, is authorized to enter upon any lands owned by any railway, telegraph or telephone corporation, in fee or in any less estate, whether acquired by purchase or condemnation or by virtue of any provision in the charter of such corporation, for the purposes of this act, and from time to time define and appropriate so much of said lands as may be necessary for the establishment, location, construction and maintenance of said causeways, viaducts, bridges and approaches, and shall have the right of access to construct and maintain said causeways, viaducts, bridges and approaches, and when constructed to repair the same, and may proceed to obtain the right of way, and to condemn lands for the use of the county in the manner provided by law in the case of railway corporations. Said county shall have the right to cross and intersect the line of any such railway, telegraph or telephone corporation, and in case any differences shall arise between the county and said railway, telegraph or telephone corporation as to the manner or mode of any crossing or intersection made by said causeway, viaduct, bridge and approaches, their differences shall be adjusted by the special commissioners ap-

pointed hereunder to assess damages for the land condemned.

Sec. 2. The fact that there is now no adequate law authorizing counties to condemn property for the construction and maintenance of viaducts across rivers in this State, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the said rule is hereby suspended and this act shall take effect from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, August 16, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 17, A bill to be entitled "An Act to prevent the drinking of intoxicating liquors on premises owned, controlled or occupied by clubs, lodges or other associations of persons in counties, subdivisions of counties, cities and towns where the sale of intoxicating liquors has been or where same may hereafter be legally prohibited under the laws of this State, and declaring an emergency,"

And find the same correctly engrossed.  
WARD, Chairman.

#### EIGHTEENTH DAY.

Senate Chamber,  
Austin, Texas,  
Wednesday, August 17, 1910.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Harper.	Senter.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kauffman.	Terrell of Wise.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent—Excused.

Veale.

Willacy.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Kellie, the same was dispensed with.

(See Appendix for petitions, memorials and committee reports.)

#### FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, August 17, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House refused to adopt the report of the Free Conference Committee on House bill No. 7, and request the appointment of a new Free Conference Committee. The following have been appointed on part of the House: Messrs. Cureton, Moller, Lee, Looney and Stratton.

Also passed House Concurrent Resolution No. 6, requesting the Thirty-first Legislature to hold the Fourth Called Session in the city of Galveston, Texas.

Respectfully,

BOB BARKER,  
Chief Clerk, House of Representatives,

#### RESOLUTION READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following house concurrent resolution.

House Concurrent Resolution No. 7, referred to Committee on State Affairs.

#### FREE CONFERENCE COMMITTEE ON HOUSE BILL NO. 7.

Senator Brachfield moved that the Senate grant the request of the House for the appointment of a new Free Conference Committee on House bill No. 7.

The motion prevailed.

The Chair appointed Senators Hudspeth, Terrell of Bowie, Alexander, Brachfield and Weinert.

The Chair asked the committee to meet at once, and if they could not agree a new committee would be appointed.

Morning call concluded.